

FIFTY-EIGHTH DAY - APRIL 17, 2002**LEGISLATIVE JOURNAL****NINETY-SEVENTH LEGISLATURE
SECOND SESSION****FIFTY-EIGHTH DAY**

Legislative Chamber, Lincoln, Nebraska
Wednesday, April 17, 2002

PRAYER

The prayer was offered by Reverend Ray Larsen, First Presbyterian Church, Lincoln, Nebraska.

ROLL CALL

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Coordsen presiding.

The roll was called and all members were present except Senators Brashear, Cunningham, Kristensen, Maxwell, Schimek, and Tyson who were excused until they arrive.

SENATOR CUDABACK PRESIDING**CORRECTIONS FOR THE JOURNAL**

The Journal for the fifty-seventh day was approved.

**SELECT COMMITTEE REPORT
Enrollment and Review**

LEGISLATIVE BILL 1185. Placed on Select File as amended.
(E & R amendment, AM7232, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

(Signed) Philip Erdman, Chairperson

SELECT FILE

LEGISLATIVE BILL 1303. Senator Robak renewed her pending amendment, AM3522, found on page 1403.

The Robak amendment was adopted with 29 ayes, 0 nays, 14 present and not voting, and 6 excused and not voting.

Senator Coordsen renewed his pending amendment, AM3561, found on page 1458.

Senator Chambers offered the following amendment to the Coordsen pending amendment:

FA1091

Amend AM3561

Page 1, line 3, strike "The" and insert "Unless he or she is homosexual in orientation"

Senator Bruning asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 0.

Voting in the negative, 26:

Aguilar	Engel	Price	Smith	Wehrbein
Baker	Erdman	Quandahl	Stuhr	Wickersham
Brashear	Foley	Raikes	Suttle	
Connealy	Jones	Redfield	Synowiecki	
Cunningham	Landis	Robak	Thompson	
Dierks	Pedersen, Dw.	Schrock	Tyson	

Present and not voting, 20:

Beutler	Burling	Cudaback	Jensen	Pederson, D.
Bourne	Byars	Hartnett	Kremer	Preister
Bromm	Chambers	Hudkins	Kruse	Schimek
Brown	Coordsen	Janssen	McDonald	Vrtiska

Excused and not voting, 3:

Bruning	Kristensen	Maxwell
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The Chambers amendment lost with 0 ayes, 26 nays, 20 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

Senator Landis asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Coordsen withdrew his amendment, AM3561.

Senator Synowiecki offered the following amendment:

FA1093

Amend AM3134

Sec. 8 on page 5, line 13, after "60-4,172" insert "and driving in a professional capacity at the time the citation is issued"

Senator Synowiecki withdrew his amendment.

Senator Chambers offered the following amendment:

FA1090

Amend AM3134

Page 1, line 18, after "attorney" insert ", if neither a gay man nor a lesbian woman".

SPEAKER KRISTENSEN PRESIDING

Senator Cudaback asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 19 ayes, 0 nays, and 30 not voting.

The Chambers amendment lost with 0 ayes, 25 nays, 22 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Senators Coordsen and Dierks asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers offered the following amendment:

FA1094

Amend AM3134

Page 4, line 8 strike "cost of"

Senator Chambers moved for a call of the house. The motion prevailed with 14 ayes, 0 nays, and 35 not voting.

The Chambers amendment was adopted with 43 ayes, 0 nays, 2 present and not voting, and 4 excused and not voting.

The Chair declared the call raised.

Pending.

SELECT COMMITTEE REPORTS
Enrollment and Review**Correctly Engrossed**

The following bills were correctly engrossed: LBs 994 and 994A.

Enrollment and Review Change to LB 994

The following changes, required to be reported for publication in the Journal, have been made:

ER9156

1. On page 1, the matter beginning with "revenue" in line 1 through line 12 and all amendments thereto have been struck and "government; to amend sections 13-609, 19-3315, 37-335, 49-1202, 49-1203, 60-6,322, 77-1710, 77-1734, 77-1822, and 77-1836, Reissue Revised Statutes of Nebraska, and sections 18-2147, 60-106, 77-202, 77-415, 77-1318.01, 77-1340, 77-1345, 77-1348, 77-1380, 77-1702, 77-3618, and 81-118.01, Revised Statutes Supplement, 2000, and sections 60-302, 77-1315, 77-1327, 77-1343, 77-1347, 77-3443, 77-5004, 77-5016, and 79-1016, Revised Statutes Supplement, 2001; to change provisions relating to payments to governmental entities; to authorize electronic funds transfers; to provide for distribution of certain interest and penalties; to change provisions relating to levy authority for offstreet parking districts; to require proof of certain tax payments; to provide and change fees; to change and eliminate provisions relating to mailing requirements, property taxation, exempt property, the Property Tax Administrator, property reporting requirements, assessment, appeals, and valuation for school aid purposes; to change distributions under the County Property Tax Relief Program; to define terms; to harmonize provisions; to repeal the original sections; to outright repeal section 77-1513, Reissue Revised Statutes of Nebraska; and to declare an emergency." inserted.

(Signed) Philip Erdman, Chairperson

STANDING COMMITTEE REPORT
Transportation and Telecommunications

The Transportation and Telecommunications Committee desires to report favorably upon the appointment(s) listed below. The Committee suggests the appointment(s) be confirmed by the Legislature and suggests a record vote.

Nebraska Information and Technology Commission

Greg Adams

Eric Brown

Trev Peterson

L. Dennis Smith

VOTE: Aye: Senators Byars, Hudkins, Baker, Dw. Pedersen, Jones, and Bromm. Nay: None. Absent: Senators Robak and Brown.

(Signed) Curt Bromm, Chairperson

RESOLUTION

Pursuant to Rule 4, Sec. 5(b), LR 458 was adopted.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LR 458.

SELECT FILE

LEGISLATIVE BILL 1303. Senators Synowiecki and Bromm offered the following amendment:

FA1095

Amend AM3134

Section 8 on line 15 of page 5, by striking the period, and adding "if such participation would be in non-compliance with Federal law or regulation, and subject the State to possible loss of Federal funds."

The Synowiecki-Bromm amendment was adopted with 31 ayes, 0 nays, 15 present and not voting, and 3 excused and not voting.

Senator Chambers offered the following amendment:

FA1096

Amend AM3134

P. 1 line 15 after "process." insert, "The Legislature further finds and declares that the policy of the State of Nebraska is to approve of and endorse discrimination based on sexual orientation, therefor, any county which implements a pretrial diversion program pursuant to sections 1-9 of this act may discriminate against persons based on sexual orientation."

Senators Robak, Byars, and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

SENATOR CUDABACK PRESIDING

Senator Kristensen asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 18 ayes, 1 nay, and 30 not voting.

The Chambers amendment lost with 2 ayes, 31 nays, 10 present and not voting, and 6 excused and not voting.

Pending.

STANDING COMMITTEE REPORTS
Urban Affairs

LEGISLATIVE BILL 806. Placed on General File as amended.
(Standing Committee amendment, AM2922, may be found in the Bill Books. The amendment has been printed separately and is on file in the Bill Room - Room 1102.)

LEGISLATIVE BILL 323. Indefinitely postponed.

LEGISLATIVE BILL 807. Indefinitely postponed.

LEGISLATIVE BILL 811. Indefinitely postponed.

LEGISLATIVE BILL 1229. Indefinitely postponed.

LEGISLATIVE BILL 1258. Indefinitely postponed.

(Signed) D. Paul Hartnett, Chairperson

RESOLUTION

LEGISLATIVE RESOLUTION 466. Introduced by Foley, 29.

WHEREAS, Aaron Byrnes has earned the rank of Eagle Scout in the Boy Scouts of America, that organization's highest rank; and

WHEREAS, Aaron Byrnes is a member of the Boy Scout Troop 54 of the Cathedral of the Risen Christ; and

WHEREAS, in achieving this rank, Aaron Byrnes advanced through five ranks and earned 25 merit badges when only 21 are required; and

WHEREAS, for his Eagle Scout project, Aaron Byrnes resurfaced the play area of Saint Peter Catholic Church and improved the drainage; and

WHEREAS, fewer than four percent of all boys who join the Boy Scouts attain the rank of Eagle Scout; and

WHEREAS, Aaron Byrnes has achieved great success as an exemplary member of the scouting program since 1995, and has represented his troop and community with excellence; and

WHEREAS, a Court of Honor will be held for Aaron Byrnes on Sunday, May 26, 2002, at Cathedral of the Risen Christ Catholic Church, at which time Aaron will be presented with the Eagle Scout Badge.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature commends Aaron Byrnes for his dedication, perseverance, and hard work in obtaining this distinguished rank.

2. That a copy of this resolution be sent to Aaron Byrnes.

Laid over.

VISITORS

Visitors to the Chamber were 50 fourth-grade students from Washington Elementary School, Omaha; Senator Beutler's mother, Dorothy, and aunt, Betty Brown; Senator Kristensen's parents, Don and Mary Lou, from Minden; 60 students from Creighton University, Omaha; and 6 fourth-grade students and teacher from St. Patrick School, Elkhorn.

RECESS

At 12:05 p.m., on a motion by Senator Bromm, the Legislature recessed until 1:30 p.m.

AFTER RECESS

The Legislature reconvened at 1:30 p.m., Senator Cudaback presiding.

ROLL CALL

The roll was called and all members were present except Senators Brown, Dierks, Kristensen, Landis, D. Pederson, Robak, and Vrtiska who were excused until they arrive.

UNANIMOUS CONSENT - Members Excused

Senators Burling and Coordsen asked unanimous consent to be excused until they return. No objections. So ordered.

SELECT FILE

LEGISLATIVE BILL 1303. Considered.

Senator Chambers offered the following amendment:

FA1097

P. 3, line 24 strike "operating a motor vehicle that is not registered".

The Chambers amendment was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 729. E & R amendment, AM7205, printed separately and referred to on page 1126, was adopted.

Senator Stuhr withdrew her pending amendment, AM3296, found on page 1261.

Senator Raikes withdrew the Raikes-Bromm pending amendment, AM3560, found on page 1551.

Senator Schrock asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Beutler offered the following amendment:

AM3765

(Amendments to E & R amendments, AM7205)

- 1 1. Insert the following new section:
- 2 "Sec. 13. Section 90-303, Reissue Revised Statutes of
- 3 Nebraska, is amended to read:
- 4 90-303. (1) The maximum height of any buildings and
- 5 structures built after March 8, 1977, shall be restricted as
- 6 follows:
- 7 (a) The maximum height of buildings and structures shall
- 8 be forty-five feet or National Geodetic Survey elevation 1235.0
- 9 feet, whichever is lower, within an area bounded on the west by
- 10 Seventeenth Street, on the north by K Street, on the east by
- 11 ~~Capitol Parkway~~ a boundary formed by a line extending in a true
- 12 south direction as an extension of the east property line of
- 13 Twenty-fourth Street, and on the south by a boundary formed by a
- 14 line extending directly in a true east direction to ~~Capitol Parkway~~
- 15 the east property line of Twenty-fourth street from the centerpoint
- 16 of the intersection of Seventeenth and H Streets, all streets in
- 17 the city of Lincoln, Lancaster County, Nebraska;
- 18 (b) The maximum height of buildings and structures shall
- 19 be forty-five feet or National Geodetic Survey elevation 1235.0
- 20 feet, whichever is lower, within an area bounded on the west by
- 21 Fourteenth Street, on the north by G Street, on the east by
- 22 Sixteenth Street, and on the south by Washington Street, all
- 23 streets in the city of Lincoln, Lancaster County, Nebraska;
- 1 (c) The maximum height of the buildings and structures
- 2 shall be fifty-seven feet or National Geodetic Survey elevation
- 3 1247.0 feet, whichever is lower, within an area bounded on the west
- 4 by Thirteenth Street, on the north by L Street, on the east by
- 5 Seventeenth Street, and on the south by G Street, all streets in
- 6 the city of Lincoln, Lancaster County, Nebraska;
- 7 (d) The maximum height of the buildings and structures
- 8 shall be fifty-seven feet or National Geodetic Survey elevation
- 9 1247.0 feet, whichever is lower, within an area bounded on the west
- 10 by Fourteenth Street, on the north by ~~R S~~ Street, on the east by
- 11 Sixteenth Street, and on the south by L Street, all streets in the
- 12 city of Lincoln, Lancaster County, Nebraska; and
- 13 (e) The maximum height of the buildings and structures
- 14 shall be fifty-seven feet or National Geodetic Survey elevation
- 15 1247.0 feet, whichever is lower, within an area bounded on the west
- 16 by Tenth Street, on the north by K Street, on the east by
- 17 Thirteenth Street, and on the south by H Street, all streets in the
- 18 city of Lincoln, Lancaster County, Nebraska.
- 19 (2) For the purposes of the Nebraska State Capitol
- 20 Environs Act, the ~~five~~ areas and the full width of the right-of-way

21 boundary streets described in ~~subsection~~ subsections (1) and (3) of
22 this section shall together constitute and be defined as the
23 Nebraska State Capitol Environs District.

24 (3) Design approval shall be required for all aboveground
25 utility, construction, and landscape improvements in the public
26 right-of-way bounded on the north and south by the property lines
27 of J Street, on the west by a boundary formed by a line extending
1 in a true south direction as an extension of the east property line
2 of Twenty-fourth Street, and on the east by a line extending in a
3 true north direction as an extension of the east property line of
4 Thirty-fifty Street.

5 (4) The city of Lincoln shall insure, through its
6 inspection and permit procedures, that the maximum height
7 restrictions and design review process prescribed by this section
8 for the Nebraska State Capitol Environs District are enforced.

9 (4) (5) The height restrictions and design review process
10 required by this section shall apply, within the Nebraska State
11 Capitol Environs District, to all real estate in private or
12 quasi-public ownership and to real estate owned by the State of
13 Nebraska and local governmental units of all types.

14 (5) (6) The following appurtenances shall be exempt from
15 the height restrictions required by this section, but such
16 appurtenances shall not exceed twenty feet in height above the
17 maximum height permitted in subsection (1) of this section and
18 shall be set back a minimum of fifteen feet from all faces of a
19 building when such faces are adjacent to a street: Church spires,
20 cooling towers with approved screening, elevator bulkheads, fire
21 towers, monuments, stage towers or scenery lofts, ornamental
22 towers, and spires.

23 (6) (7) Nothing in the act shall be construed as limiting
24 the authority of the city of Lincoln to impose lower height
25 restrictions than those maximum height limits established by
26 subsection (1) of this section or in establishing lower height
27 restrictions for appurtenances than those required by subsection
1 (5) (6) of this section.

2 (7) (8) The city of Lincoln shall review and approve or
3 disapprove plans and proposals for demolition, exterior alteration,
4 and construction of structures and other improvements in the
5 Nebraska State Capitol Environs District. The city of Lincoln
6 shall adopt regulations within its zoning code vesting
7 responsibility for review, approval, and disapproval of projects
8 with the Nebraska State Capitol Environs Commission established by
9 the city of Lincoln.

10 (8) (9) The regulations of the city of Lincoln for design
11 review in the Nebraska State Capitol Environs District shall
12 emphasize the long-term enhancement of the State Capitol's setting
13 and of enjoyment of the State Capitol by the citizens while
14 respecting the interests of property owners, including economic
15 interests and the desirability of predictable, expeditious

16 review."

17 2. On page 14, line 10, strike "and 17-1001" and insert

18 "17-1001, and 90-303".

19 3. Renumber the remaining section accordingly.

The Beutler amendment was adopted with 35 ayes, 0 nays, 9 present and not voting, and 5 excused and not voting.

Senator Chambers offered the following amendment:

FA1098

Amend AM7205

P. 1, in line 4 after "class" in the two places where it appears, add "that discriminates against persons because of sexual orientation

Senators Foley and Cunningham asked unanimous consent to be excused until they return. No objections. So ordered.

SPEAKER KRISTENSEN PRESIDING

Senator Chambers requested a roll call vote on his amendment.

The Chambers amendment lost with 0 ayes, 29 nays, 14 present and not voting, and 6 excused and not voting.

Senator Chambers moved to reconsider the vote on his amendment, FA1098.

Senators Kremer, Brashear, and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 12 ayes, 0 nays, and 37 not voting.

The Chambers motion to reconsider failed with 1 aye, 32 nays, 9 present and not voting, and 7 excused and not voting.

The Chair declared the call raised.

Senator Brown asked unanimous consent to be excused until she returns. No objections. So ordered.

Senator Chambers offered the following amendment:

FA1099

Amend AM7205

P. 1, line 4 after the word "class" in both places where it appears, add "that does not discriminate against persons because of sexual orientation".

Senators Bruning and Robak asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers moved for a call of the house. The motion prevailed with 17 ayes, 0 nays, and 32 not voting.

SENATOR CUDABACK PRESIDING

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 10:

Aguilar	Connealy	Hartnett	Raikes	Suttle
Chambers	Cudaback	Landis	Schimek	Thompson

Voting in the negative, 3:

Smith	Tyson	Wehrbein
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Present and not voting, 28:

Baker	Byars	Jensen	Pederson, D.	Stuhr
Beutler	Coordsen	Jones	Preister	Synowiecki
Bourne	Engel	Kristensen	Price	Vrtiska
Bromm	Erdman	Kruse	Quandahl	Wickersham
Brown	Hudkins	Maxwell	Redfield	
Burling	Janssen	Pedersen, Dw.	Schrock	

Excused and not voting, 8:

Brashear	Cunningham	Foley	McDonald
Bruning	Dierks	Kremer	Robak

The Chambers amendment lost with 10 ayes, 3 nays, 28 present and not voting, and 8 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1062. E & R amendment, AM7214, printed separately and referred to on page 1328, was adopted.

Senator Byars renewed his pending amendment, AM3541, found on page 1445.

Senators Dw. Pedersen and Brown asked unanimous consent to be excused until they return. No objections. So ordered.

The Byars amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Senator Baker renewed his pending amendment, AM3475, found on page 1426.

The Baker amendment was adopted with 29 ayes, 0 nays, 11 present and not voting, and 9 excused and not voting.

Senator Kristensen withdrew his pending amendment, AM3659, found on page 1605.

Senator Kristensen asked unanimous consent to replace his pending amendment, AM3548, found on page 1446, with a substitute amendment. No objections. So ordered.

Senator Kristensen withdrew his pending amendment, AM3548, found on page 1446.

Senator Kristensen renewed his substitute pending amendment, AM3730, found on page 1720.

The Kristensen amendment was adopted with 30 ayes, 0 nays, 11 present and not voting, and 8 excused and not voting.

Senator Landis withdrew his pending amendment, AM3618, on file and referred to on page 1547.

Senator Jensen withdrew his pending amendment, AM3623, found on page 1553.

Senator Bromm renewed his pending amendment, AM3606, found on page 1560.

The Bromm amendment was adopted with 28 ayes, 0 nays, 13 present and not voting, and 8 excused and not voting.

Senator Chambers offered the following amendment:

FA1100

Amend AM3606

Page 1 in line 5 after "more" and in line 6 after "inhabitants", insert, "exclusive of persons who may be homosexual in orientation"; and in line 7 after "more" insert, "exclusive of the property of persons who may be homosexual in orientation"; and in line 12, strike the period and add, "but none shall be homosexual in orientation."

Senator Chambers moved for a call of the house. The motion prevailed with 13 ayes, 0 nays, and 36 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 2:

Chambers Landis

Voting in the negative, 28:

Aguilar	Engel	Pederson, D.	Schrock	Tyson
Baker	Erdman	Preister	Smith	Vrtiska
Bourne	Foley	Price	Stuhr	Wehrbein
Burling	Jones	Quandahl	Suttle	Wickersham
Connealy	Kruse	Raikes	Synowiecki	
Dierks	Pedersen, Dw.	Redfield	Thompson	

Present and not voting, 14:

Beutler	Byars	Hartnett	Jensen	Maxwell
Bromm	Coordsen	Hudkins	Kremer	Schimek
Brown	Cudaback	Janssen	Kristensen	

Excused and not voting, 5:

Brashear Bruning Cunningham McDonald Robak

The Chambers amendment lost with 2 ayes, 28 nays, 14 present and not voting, and 5 excused and not voting.

The Chair declared the call raised.

Senator Chambers offered the following amendment:

FA1101

Amend AM7214

Page 1 in line 2 after "thereto" insert, "and all persons who may be homosexual in orientation".

SPEAKER KRISTENSEN PRESIDING

Senators Burling and Quandahl asked unanimous consent to be excused until they return. No objections. So ordered.

Senator Chambers requested a record vote on his amendment.

Voting in the affirmative, 1:

Chambers

Voting in the negative, 18:

Aguilar	Foley	Kruse	Smith	Tyson
Connealy	Hudkins	Preister	Stuhr	Wehrbein

Engel	Jensen	Price	Suttle
Erdman	Jones	Redfield	Thompson

Present and not voting, 26:

Baker	Coordsen	Kremer	Pederson, D.	Vrtiska
Beutler	Cudaback	Kristensen	Raikes	Wickersham
Bourne	Cunningham	Landis	Robak	
Bromm	Dierks	Maxwell	Schimek	
Brown	Hartnett	McDonald	Schrock	
Byars	Janssen	Pedersen, Dw.	Synowiecki	

Excused and not voting, 4:

Brashear	Bruning	Burling	Quandahl
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The Chambers amendment lost with 1 aye, 18 nays, 26 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

RESOLUTIONS

LEGISLATIVE RESOLUTION 467. Introduced by Erdman, 47.

WHEREAS, Gene Claver of Bayard has taught Agricultural Education for thirty-eight consecutive years at Bayard High School; and

WHEREAS, Mr. Claver has served as a great role model for the students of Bayard during his many years of service to both his school and his community; and

WHEREAS, Mr. Claver has educated three generations of Bayard residents during his time at Bayard High School; and

WHEREAS, Mr. Claver has imparted tremendous knowledge to his students, taking theoretical concepts and relating them to hands-on classroom learning; and

WHEREAS, Mr. Claver worked hard for the development of agriculture and furthered the retention and expansion of FFA in Nebraska and throughout the country; and

WHEREAS, Mr. Claver will be retiring this year; and

WHEREAS, Mr. Claver, throughout his professional teaching career, has touched the lives of countless students by providing a challenging and positive learning environment.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature recognize Gene Claver for his outstanding service to the citizens of the State of Nebraska and congratulate him on his retirement after thirty-eight consecutive years of teaching and his outstanding efforts at Bayard High School.

2. That a copy of this resolution be sent to Gene Claver and his family.

Laid over.

LEGISLATIVE RESOLUTION 468. Introduced by Erdman, 47.

WHEREAS, Carlos Flores of Sidney has worked as an athletic referee for thirty years; and

WHEREAS, Mr. Flores began refereeing high school basketball games in 1972; and

WHEREAS, Mr. Flores officiated in six Nebraska School Activities Association state basketball tournaments; and

WHEREAS, Mr. Flores refereed college basketball games in the Rocky Mountain Athletic Conference for Chadron State College and the University of Nebraska at Kearney; and

WHEREAS, Mr. Flores also officiated at basketball games for Western Nebraska Community College, Mid-Plains Community College, Northeast Community College, and McCook Community College; and

WHEREAS, Mr. Flores refereed over 150 college men's basketball games in Nebraska during his career; and

WHEREAS, Mr. Flores has served as a positive role model for athletes and members of his community; and

WHEREAS, Mr. Flores will be retiring after this basketball season.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NINETY-SEVENTH LEGISLATURE OF NEBRASKA, SECOND SESSION:

1. That the Legislature congratulate Carlos Flores on his many years of service to the students and citizens of the state as an athletic referee and upon his retirement.

2. That a copy of this resolution be sent to Carlos Flores and his family.

Laid over.

MESSAGES FROM THE GOVERNOR

April 17, 2002

Patrick J. O'Donnell
Clerk of the Legislature
State Capitol, Room 2018
Lincoln, NE 68509

Dear Mr. O'Donnell:

Engrossed Legislative Bills 22, 29, 57, 82, 123, 384, 391, 407e, 460, 491, 649, 684, 687e, 687Ae, 830, 830A, 863, 873e, 912, 932, 935, 951, 970, 977, 1018, 1054, 1071, 1073, 1094, 1110e, 1148e, 1168e, 1172, and 1236 were received in my office on April 11, 2002.

These bills were signed by me on April 17, 2002, and delivered to the

Secretary of State.

Sincerely,
(Signed) Mike Johanns
Governor

April 17, 2002

Mr. President, Mr. Speaker, and
Members of the Legislature
State Capitol
Lincoln, NE 68509

Dear Mr. President and Members of the Legislature:

With this letter I am returning LB 22A without my signature and with my objections.

I support the provisions of LB 22 that will ensure that all deaf and hard of hearing Nebraskans receive competent interpretation services through providing qualified and licensed sign language interpreters.

LB 22A is not required for the implementation of LB 22. The Supreme Court is able to absorb the \$5,000 per year fiscal impact as it was not subject to additional budget reductions during the 2002 Legislative Session.

I urge you to sustain my veto of LB 22A.

Sincerely,
(Signed) Mike Johanns
Governor

SELECT COMMITTEE REPORTS **Enrollment and Review**

Correctly Engrossed

The following bill was correctly engrossed: LB 1303.

Enrollment and Review Change to LB 1303

The following changes, required to be reported for publication in the Journal, have been made:

ER9157

1. On page 1, the matter beginning with "criminal" in line 1 through line 8 has been struck and "motor vehicles; to amend sections 29-3601, 29-603, and 29-3604, Reissue Revised Statutes of Nebraska, section 29-3602, Revised Statutes Supplement, 2000, and section 60-601, Revised Statutes Supplement, 2001; to provide for a driver's safety training program as pretrial diversion; to provide duties for the Department of Motor Vehicles; to prohibit the use of nitrous oxide as prescribed; to harmonize provisions; to provide an operative date; and to repeal the original sections." inserted.

(Signed) Philip Erdman, Chairperson

SELECT FILE

LEGISLATIVE BILL 1062A. Senator Wehrbein withdrew the Wehrbein-Jensen pending amendment, AM3505, found on page 1346.

Senators Wehrbein and Jensen offered the following amendment:
AM3755

- 1 1. Insert the following new sections:
- 2 "Sec. 2. Laws 2001, LB 543, section 95, as amended by
- 3 section 69, Legislative Bill 1, Ninety-seventh Legislature, First
- 4 Special Session, 2001, and section 68, Legislative Bill 1309,
- 5 Ninety-seventh Legislature, Second Session, 2002, is amended to
- 6 read:
- 7 Sec. 95. AGENCY NO. 25 -- DEPARTMENT OF HEALTH AND
- 8 HUMAN SERVICES
- 9 Program No. 33 - Administration
- 10
- 11

	FY2001-02	FY2002-03
GENERAL FUND	46,367,805	45,170,877
<u>GENERAL FUND</u>	<u>46,367,805</u>	<u>46,411,229</u>
CASH FUND	8,196,470	1,360,040
FEDERAL FUND est.	55,247,699	64,192,252
PROGRAM TOTAL	109,811,974	110,723,169
<u>PROGRAM TOTAL</u>	<u>109,811,974</u>	<u>111,963,521</u>
SALARY LIMIT	66,804,350	69,666,183
- 18 There is included in the appropriation to this program
- 19 for FY2001-02 \$6,836,430 Cash Funds for repayment of federal audit
- 20 exceptions or for federally mandated information systems
- 21 modifications or enhancements.
- 22 Sec. 3. There is hereby appropriated (1) \$37,386 from
- 23 the Department of Health and Human Services Regulation and
- 24 Licensure Cash Fund for FY2002-03 and (2) \$31,216 from the
- 1 Department of Health and Human Services Regulation and Licensure
- 2 Cash Fund for FY2003-04 to the Department of Health and Human
- 3 Services Regulation and Licensure, for Program 177, to aid in
- 4 carrying out the provisions of Legislative Bill 1021,
- 5 Ninety-seventh Legislature, Second Session, 2002.
- 6 Total expenditures for permanent and temporary salaries
- 7 and per diems from funds appropriated in this section shall not
- 8 exceed \$21,488 for FY2002-03 or \$21,488 for FY2003-04.
- 9 Sec. 4. There is hereby appropriated (1) \$64,866 from
- 10 the Department of Health and Human Services Regulation and
- 11 Licensure Cash Fund for FY2002-03 and (2) \$61,322 from the
- 12 Department of Health and Human Services Regulation and Licensure
- 13 cash Fund for FY2003-04 to the Department of Health and Human
- 14 Services Regulation and Licensure, for Program 177, to aid in
- 15 carrying out the provisions of Legislative Bill 1021.

- 16 Ninety-seventh Legislature, Second Session, 2002.
 17 Total expenditures for permanent and temporary salaries
 18 and per diems from funds appropriated in this section shall not
 19 exceed \$39,564 for FY2002-03 or \$39,564 for FY2003-04.
 20 Sec. 5. There is hereby appropriated (1) \$50,000 from
 21 cash funds for FY2002-03 and (2) \$50,000 from cash funds for
 22 FY2003-04 to the State Treasurer, for Program 24, to aid in
 23 carrying out the provisions of Legislative Bill 1062.
 24 Ninety-seventh Legislature, Second Session, 2002.
 25 It is the intent of the Legislature to direct the
 26 Department of Administrative Services to administratively create a
 27 cash fund for receipts of collection fees relating to child support
 1 cases.
 2 Sec. 6. Original Laws 2001, LB 543, section 95, as
 3 amended by section 69, Legislative Bill 1, Ninety-seventh
 4 Legislature, First Special Session, 2001, and section 68,
 5 Legislative Bill 1309, Ninety-seventh Legislature, Second Session,
 6 2002, is repealed."
 7 2. Insert underscoring to section 1.

The Wehrbein-Jensen amendment was adopted with 28 ayes, 0 nays, 17 present and not voting, and 4 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1105. E & R amendment, AM7216, found on page 1328, was adopted.

Senator Bromm withdrew his pending amendments, AM3451, AM3452, and AM3538, found on pages 1403, 1406, and 1412.

Senator Bromm renewed his pending amendment, AM3533, printed separately and referred to on page 1412.

Senator Maxwell asked unanimous consent to be excused until he returns. No objections. So ordered.

The Bromm amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senators McDonald, Bromm, and Baker offered the following amendment: AM3396

- 1 1. Insert the following new sections:
- 2 "Sec. 484. Section 74-1415.04, Reissue Revised Statutes
- 3 of Nebraska, is amended to read:
- 4 74-1415.04. No investment in any acquisition,
- 5 rehabilitation or improvement, operation, or rail facility
- 6 construction project ~~shall be approved unless the council's~~
- 7 ~~investment is secured by a first lien on any combination of real~~

8 and personal property the value of which is at least one hundred
 9 twenty percent of the amount of the investment, in which the
 10 council loans funds shall be approved unless the borrower provides
 11 a guarantee and collateral for the loan which is acceptable to the
 12 council as sufficient security to protect the interests of the
 13 council.

14 Sec. 485. Section 74-1415.05, Reissue Revised Statutes
 15 of Nebraska, is amended to read:

16 74-1415.05. The council shall not acquire any property
 17 or ~~invest loan funds~~ in any acquisition, rehabilitation or
 18 improvement, operation, or rail facility construction project
 19 unless an independent certified appraiser verifies that the value
 20 of the property proposed to be acquired or to be held as security
 21 is at least ~~one hundred twenty percent of the purchase price to be~~
 22 ~~paid equal to the amount the council determines is sufficient to~~
 23 ~~protect the interests of the council.~~ The council shall select the
 24 independent certified appraiser. The entity requesting the
 1 financial assistance shall bear the cost of the appraisal."
 2 2. Renumber the remaining sections and correct internal
 3 references accordingly. Correct the repealer section so that the
 4 sections added by this amendment become operative on their
 5 effective date.

Senator McDonald moved to suspend the rules, Rule 7, Section 3(d), so as to permit consideration of AM3396 to LB 1105.

Senator Engel moved the previous question. The question is, "Shall the debate now close?"

Senator McDonald moved for a call of the house. The motion prevailed with 22 ayes, 0 nays, and 27 not voting.

Senator McDonald requested a roll call vote on the motion to cease debate.

Voting in the affirmative, 32:

Baker	Dierks	Jensen	Pedersen, Dw.	Thompson
Bromm	Engel	Jones	Price	Vrtiska
Bruning	Erdman	Kremer	Raikes	Wehrbein
Burling	Foley	Kristensen	Robak	Wickersham
Byars	Hartnett	Kruse	Schrock	
Coordsen	Hudkins	Landis	Smith	
Cunningham	Janssen	McDonald	Stuhr	

Voting in the negative, 6:

Bourne	Pederson, D.	Synowiecki
Chambers	Redfield	Tyson

Present and not voting, 10:

Aguilar	Brown	Cudaback	Preister	Schimek
Beutler	Connealy	Maxwell	Quandahl	Suttle

Excused and not voting, 1:

Brashear

The motion to cease debate prevailed with 32 ayes, 6 nays, 10 present and not voting, and 1 excused and not voting.

Senator Bourne requested a roll call vote on the McDonald motion to suspend the rules.

Voting in the affirmative, 28:

Aguilar	Coordsen	Hartnett	Kruse	Stuhr
Baker	Cudaback	Hudkins	McDonald	Vrtiska
Bromm	Cunningham	Janssen	Price	Wehrbein
Bruning	Dierks	Jensen	Raikes	Wickersham
Burling	Engel	Jones	Schrock	
Byars	Erdman	Kremer	Smith	

Voting in the negative, 13:

Bourne	Landis	Quandahl	Suttle	Tyson
Chambers	Pedersen, Dw.	Redfield	Synowiecki	
Kristensen	Pederson, D.	Robak	Thompson	

Present and not voting, 7:

Beutler	Connealy	Maxwell	Schimek
Brown	Foley	Preister	

Excused and not voting, 1:

Brashear

The McDonald motion to suspend the rules failed with 28 ayes, 13 nays, 7 present and not voting, and 1 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

Senators Burling and McDonald asked unanimous consent to be excused until they return. No objections. So ordered.

LEGISLATIVE BILL 1290. Senator Bromm renewed his pending amendment, AM3554, found on page 1446.

The Bromm amendment was adopted with 30 ayes, 0 nays, 16 present and not voting, and 3 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 1290A. Senator Coordsen offered the following amendment:

AM3746

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 77-2701.02, Revised Statutes
- 4 Supplement, 2000, is amended to read:
- 5 77-2701.02. Pursuant to section 77-2715.01:
- 6 (1) Until July 1, 1998, ~~or April 15, 1998, whichever is~~
- 7 ~~later~~, the rate of the sales tax levied pursuant to section 77-2703
- 8 shall be five percent;
- 9 (2) Commencing July 1, 1998, ~~or April 15, 1998, whichever~~
- 10 ~~is later~~, and until July 1, 1999, the rate of the sales tax levied
- 11 pursuant to section 77-2703 shall be four and one-half percent; ~~and~~
- 12 (3) Commencing July 1, 1999, and until the start of the
- 13 first calendar quarter after the operative date of this section,
- 14 the rate of the sales tax levied pursuant to section 77-2703 shall
- 15 be five percent;
- 16 (4) Commencing on the start of the first calendar quarter
- 17 after the operative date of this section, and until the start of
- 18 the ninth calendar quarter after the operative date of this
- 19 section, the rate of the sales tax levied pursuant to section
- 20 77-2703 shall be five and one-half percent; and
- 21 (5) Commencing on the start of the ninth calendar quarter
- 22 after the operative date of this section, the rate of the sales tax
- 23 levied pursuant to section 77-2703 shall be five percent.
- 24 Sec. 2. Original section 77-2701.02, Revised Statutes
- 1 Supplement, 2000, is repealed.
- 2 Sec. 3. The following legislative bill is outright
- 3 repealed: Legislative Bill 1085, Ninety-seventh Legislature,
- 4 Second Session, 2002."

Senator Coordsen withdrew his amendment.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 957. E & R amendment, AM7219, printed separately and referred to on page 1332, was adopted.

Senator Landis renewed his pending amendment, AM3481, found on page 1431.

The Landis amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Senator Landis renewed his pending amendment, AM3562, found on page 1445.

The Landis amendment was adopted with 26 ayes, 0 nays, 20 present and not voting, and 3 excused and not voting.

Senator Quandahl renewed his pending amendment, AM3649, found on page 1553.

The Quandahl amendment was adopted with 25 ayes, 0 nays, 21 present and not voting, and 3 excused and not voting.

Senator Chambers renewed his pending amendment, AM3729, found on page 1714.

SPEAKER KRISTENSEN PRESIDING

Senator Chambers moved for a call of the house. The motion prevailed with 25 ayes, 0 nays, and 24 not voting.

Senator Chambers requested a roll call vote on his amendment.

Voting in the affirmative, 9:

Bromm	Coordsen	Hartnett	Kruse	Preister
Chambers	Cudaback	Kristensen	Landis	

Voting in the negative, 30:

Aguilar	Byars	Hudkins	Raikes	Stuhr
Baker	Cunningham	Jensen	Redfield	Suttle
Bourne	Dierks	Jones	Robak	Synowiecki
Brashear	Engel	Pederson, D.	Schimek	Thompson
Brown	Erdman	Price	Schrock	Tyson
Bruning	Foley	Quandahl	Smith	Wehrbein

Present and not voting, 8:

Beutler	Janssen	Maxwell	Vrtiska
Connealy	Kremer	Pedersen, Dw.	Wickersham

Excused and not voting, 2:

Burling McDonald

The Chambers amendment lost with 9 ayes, 30 nays, 8 present and not voting, and 2 excused and not voting.

The Chair declared the call raised.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 931. E & R amendment, AM7218, found on page 1332, was adopted.

Senator Beutler renewed his pending amendment, AM3439, found on page 1276.

The Beutler amendment was adopted with 35 ayes, 0 nays, 12 present and not voting, and 2 excused and not voting.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 931A. Advanced to E & R for engrossment.

LEGISLATIVE BILL 1115. E & R amendment, AM7224, found on page 1513, was adopted.

Senator Chambers moved to recommit LB 1115 to the Judiciary Committee.

Senator Coordsen asked unanimous consent to be excused. No objections. So ordered.

Senator Foley asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Aguilar moved to invoke cloture on LB 1115, pursuant to Rule 7, Section 10.

Senator Aguilar moved for a call of the house. The motion prevailed with 18 ayes, 0 nays, and 31 not voting.

Senator Chambers requested a roll call vote on the motion to invoke cloture.

Voting in the affirmative, 33:

Aguilar	Dierks	Jones	Price	Synowiecki
Baker	Engel	Kremer	Quandahl	Thompson
Bourne	Erdman	Kruse	Raikes	Tyson
Brashear	Foley	Maxwell	Robak	Vrtiska
Bruning	Hudkins	Pedersen, Dw.	Schrock	Wehrbein
Byars	Janssen	Pederson, D.	Smith	

Cunningham	Jensen	Preister	Stuhr
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Voting in the negative, 6:

Chambers	Landis	Suttle
Hartnett	Schimek	Wickersham

Present and not voting, 7:

Beutler	Brown	Cudaback	Redfield
Bromm	Connealy	Kristensen	

Excused and not voting, 3:

Burling	Coordsen	McDonald
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The Aguilar motion to invoke cloture prevailed with 33 ayes, 6 nays, 7 present and not voting, and 3 excused and not voting.

The Chambers motion to recommit failed with 3 ayes, 32 nays, 11 present and not voting, and 3 excused and not voting.

Senator Chambers requested a roll call vote on the advancement of the bill.

Voting in the affirmative, 26:

Aguilar	Cunningham	Jones	Price	Tyson
Baker	Dierks	Kremer	Quandahl	Vrtiska
Bourne	Erdman	Kruse	Robak	
Brashear	Foley	Landis	Schrock	
Bruning	Hudkins	Maxwell	Smith	
Byars	Jensen	Preister	Stuhr	

Voting in the negative, 5:

Chambers	Hartnett	Pedersen, Dw.	Raikes	Wickersham
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Present and not voting, 15:

Beutler	Connealy	Janssen	Redfield	Synowiecki
Bromm	Cudaback	Kristensen	Schimek	Thompson
Brown	Engel	Pederson, D.	Suttle	Wehrbein

Excused and not voting, 3:

Burling	Coordsen	McDonald
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Advanced to E & R for engrossment with 26 ayes, 5 nays, 15 present and not voting, and 3 excused and not voting.

The Chair declared the call raised.

LEGISLATIVE BILL 952. E & R amendment, AM7231, found on page 1715, was adopted.

Advanced to E & R for engrossment.

LEGISLATIVE BILL 952A. Advanced to E & R for engrossment.

MOTION - Return LB 1033A to Select File

Senator Wickersham moved to return LB 1033A to Select File for his specific pending amendment, AM3727, found on page 1714.

The Wickersham motion to return prevailed with 35 ayes, 0 nays, 11 present and not voting, and 3 excused and not voting.

SELECT FILE

LEGISLATIVE BILL 1033A. The Wickersham specific pending amendment, AM3727, found on page 1714, was adopted with 33 ayes, 1 nay, 12 present and not voting, and 3 excused and not voting.

Advanced to E & R for reengrossment.

MOTIONS - Return LB 1089 to Select File

Senator Landis moved to return LB 1089 to Select File for the following specific amendment:

FA1086

1. Insert the following new section: "This act becomes operative on January 1, 2003."

Senator Landis withdrew his motion to return.

Senator Schimek moved to return LB 1089 to Select File for her specific pending amendment, AM3741, found on page 1720.

SENATOR CUDABACK PRESIDING

Senator Preister asked unanimous consent to be excused. No objections. So ordered.

Senator Redfield moved the previous question. The question is, "Shall the debate now close?" The motion prevailed with 31 ayes, 1 nay, and 17 not voting.

Senator Chambers asked unanimous consent to be excused until he returns. No objections. So ordered.

Senator Schimek requested a roll call vote on her motion to return LB 1089 to Select File.

The Schimek motion to return failed with 20 ayes, 23 nays, 3 present and not voting, and 3 excused and not voting.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1089 with 41 ayes, 2 nays, 3 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1089.

A BILL FOR AN ACT relating to financial institutions; to amend sections 8-157, 8-345.02, 8-1507, 8-1516, 8-2104, and 81-1298, Reissue Revised Statutes of Nebraska, and sections 8-101, 8-157.01, 8-183.05, 8-234, 8-602, and 8-910, Revised Statutes Supplement, 2000; to eliminate certain branch banking restrictions as prescribed; to change provisions relating to bank holding companies; to harmonize provisions; to repeal the original sections; and to outright repeal section 8-1515, Reissue Revised Statutes of Nebraska.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 29:

Baker	Connealy	Jensen	Price	Suttle
Bourne	Cunningham	Jones	Quandahl	Synowiecki
Brashear	Engel	Kruse	Raikes	Tyson
Bromm	Foley	Landis	Redfield	Vrtiska
Brown	Hartnett	Maxwell	Robak	Wickersham
Bruning	Hudkins	Pedersen, Dw.	Smith	

Voting in the negative, 12:

Beutler	Dierks	Kremer	Schrock
Burling	Erdman	McDonald	Stuhr
Byars	Janssen	Schimek	Wehrbein

Present and not voting, 5:

Aguilar	Cudaback	Kristensen	Pederson, D.	Thompson
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Excused and not voting, 3:

Chambers Coordsen Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

The following bills were read and put upon final passage:

LEGISLATIVE BILL 488.

A BILL FOR AN ACT relating to motor vehicles; to amend sections 60-302 and 60-1515, Revised Statutes Supplement, 2001; to provide for additional registration fees; to create the motor vehicle insurance data base; to provide duties; to provide immunity; to create an unfair insurance trade practice; to create a task force; to harmonize provisions; to provide a duty for the Revisor of Statutes; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Byars	Hudkins	Pedersen, Dw.	Smith
Baker	Connealy	Janssen	Pederson, D.	Stuhr
Beutler	Cudaback	Jensen	Price	Suttle
Bourne	Cunningham	Jones	Quandahl	Synowiecki
Brashear	Dierks	Kremer	Raikes	Thompson
Bromm	Engel	Kruse	Redfield	Tyson
Brown	Erdman	Landis	Robak	Vrtiska
Bruning	Foley	Maxwell	Schimek	Wehrbein
Burling	Hartnett	McDonald	Schrock	Wickersham

Voting in the negative, 0.

Present and not voting, 1:

Kristensen

Excused and not voting, 3:

Chambers Coordsen Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

LEGISLATIVE BILL 488A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to

aid in carrying out the provisions of Legislative Bill 488, Ninety-seventh Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 44:

Aguilar	Byars	Hudkins	Pedersen, Dw.	Stuhr
Baker	Connealy	Janssen	Pederson, D.	Suttle
Beutler	Cudaback	Jensen	Price	Synowiecki
Bourne	Cunningham	Jones	Quandahl	Thompson
Brashear	Dierks	Kremer	Raikes	Tyson
Bromm	Engel	Kruse	Redfield	Vrtiska
Brown	Erdman	Landis	Robak	Wehrbein
Bruning	Foley	Maxwell	Schimek	Wickersham
Burling	Hartnett	McDonald	Schrock	

Voting in the negative, 0.

Present and not voting, 2:

Kristensen Smith

Excused and not voting, 3:

Chambers Coordsen Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 876 with 41 ayes, 1 nay, 4 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 876. With Emergency.

A BILL FOR AN ACT relating to law; to amend sections 24-209, 25-217, 25-318, 25-321, 25-323, 25-328, 25-330, 25-331, 25-501, 25-503.01, 25-504.01, 25-516.01, 25-531, 25-1002, 25-1063, 25-1064.01, 25-1075, 25-1085, 25-1102, 25-1321, 25-1715, 25-2005, 25-2124, 25-2125, 25-2137 to 25-2140, 25-2142, 25-2143, 25-2148, 25-2151, 25-2162, 25-2170, 25-2171, 25-2178, 25-21,108, 25-21,113, 25-21,115, 25-21,124, 25-21,134, 25-21,156, 25-21,202, 25-21,206, 25-21,223, 25-2210, 25-2211, 25-2221, 25-2226, 29-3920, 33-107.01, 42-351, 44-2833, 44-2840, 44-2841, 44-2842, 76-1441, 76-1442, 77-1904, and 77-1906, Reissue Revised Statutes of

Nebraska, sections 25-519, 25-525, 25-1506, 25-2002, 25-2704, 25-2805, 45-103, 60-4,105, 76-1002, 77-1917, and 81-1316, Revised Statutes Supplement, 2000, and sections 13-518, 25-2924, 25-2925, 25-2928, 29-2709, 29-3921, 29-3927, 29-3931, 29-3932, 29-3933, 29-4121, and 29-4122, Revised Statutes Supplement, 2001; to change and eliminate general civil procedure pleading provisions; to rename the County Revenue Assistance Fund; to change provisions relating to the Commission on Public Advocacy, reimbursement to counties, court holidays, distribution of court reports, a legal services fee, court jurisdiction in dissolution of marriage proceedings, interest on decrees and judgments, and trust deeds; to change and terminate provisions relating to settlement escrow; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 25-801 to 25-823, 25-832 to 25-838, 25-841 to 25-856, 25-2175, 77-1905, and 77-1907, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 46:

Aguilar	Connealy	Jensen	Price	Synowiecki
Baker	Cudaback	Jones	Quandahl	Thompson
Beutler	Cunningham	Kremer	Raikes	Tyson
Bourne	Dierks	Kristensen	Redfield	Vrtiska
Brashear	Engel	Kruse	Robak	Wehrbein
Bromm	Erdman	Landis	Schimek	Wickersham
Brown	Foley	Maxwell	Schrock	
Bruning	Hartnett	McDonald	Smith	
Burling	Hudkins	Pedersen, Dw.	Stuhr	
Byars	Janssen	Pederson, D.	Suttle	

Voting in the negative, 0.

Excused and not voting, 3:

Chambers	Coordsen	Preister
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

The following bill was read and put upon final passage:

LEGISLATIVE BILL 876A.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 876, Ninety-seventh

Legislature, Second Session, 2002.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 46:

Aguilar	Connealy	Jensen	Price	Synowiecki
Baker	Cudaback	Jones	Quandahl	Thompson
Beutler	Cunningham	Kremer	Raikes	Tyson
Bourne	Dierks	Kristensen	Redfield	Vrtiska
Brashear	Engel	Kruse	Robak	Wehrbein
Bromm	Erdman	Landis	Schimek	Wickersham
Brown	Foley	Maxwell	Schrock	
Bruning	Hartnett	McDonald	Smith	
Burling	Hudkins	Pedersen, Dw.	Stuhr	
Byars	Janssen	Pederson, D.	Suttle	

Voting in the negative, 0.

Excused and not voting, 3:

Chambers Coordsen Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SPEAKER KRISTENSEN PRESIDING

MOTIONS - Return LB 1211 to Select File

Senator Wehrbein moved to return LB 1211 to Select File for the following specific amendment:

FA1083

Strike the enacting clause.

Senator Wehrbein withdrew his motion to return.

Senator Wickersham moved to return LB 1211 to Select File for the following specific amendment:

FA1111

Strike the enacting clause.

Senator Wickersham withdrew his motion to return.

BILLS ON FINAL READING

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1211 with 35 ayes, 1 nay, 10 present and not voting,

and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1211. With Emergency.

A BILL FOR AN ACT relating to communications; to amend sections 13-808, 58-201, 58-203, 86-1803 to 86-1806, 86-1808, and 86-1811, Reissue Revised Statutes of Nebraska, sections 13-2530, 58-202, 58-219, 75-134, and 75-156, Revised Statutes Supplement, 2000, and sections 86-804, 86-1405, and 86-2306, Revised Statutes Supplement, 2001; to authorize service and financing agreements for public safety communication projects; to authorize regulation of wireless carriers; to create the Nebraska Competitive Telephone Marketplace Fund; to define and redefine terms; to provide, change, and eliminate powers and duties; to provide for funding and fund transfers; to eliminate fees and obsolete language; to harmonize provisions; to provide operative dates; to provide severability; to repeal the original sections; to outright repeal sections 86-1807 and 86-1810, Reissue Revised Statutes of Nebraska; and to declare an emergency.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass with the emergency clause attached?' "

Voting in the affirmative, 33:

Aguilar	Connealy	Janssen	Price	Suttle
Baker	Cunningham	Jones	Quandahl	Synowiecki
Bromm	Dierks	Kruse	Robak	Thompson
Brown	Engel	Landis	Schimek	Tyson
Bruning	Erdman	Maxwell	Schrock	Wehrbein
Burling	Foley	Pedersen, Dw.	Smith	
Byars	Hudkins	Pederson, D.	Stuhr	

Voting in the negative, 11:

Beutler	Jensen	McDonald	Vrtiska
Bourne	Kremer	Raikes	Wickersham
Hartnett	Kristensen	Redfield	

Present and not voting, 2:

Brashear	Cudaback
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Excused and not voting, 3:

Chambers	Coordsen	Preister
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A constitutional two-thirds majority having voted in the affirmative, the bill was declared passed with the emergency clause and the title agreed to.

Dispense With Reading at Large

Pursuant to Rule 6, Section 8, the Legislature approved the dispensing of the reading at large of LB 1278 with 37 ayes, 1 nay, 8 present and not voting, and 3 excused and not voting.

The following bill was put upon final passage:

LEGISLATIVE BILL 1278.

A BILL FOR AN ACT relating to monopolies and unlawful combinations; to amend sections 59-806, 59-808 to 59-810, 59-812, 59-815, 59-816, 59-819 to 59-822, 59-824, 59-826 to 59-831, 59-1606 to 59-1611, 59-1614 to 59-1616, 59-1623, and 68-1035, Reissue Revised Statutes of Nebraska, section 59-823, Revised Statutes Supplement, 2000, and section 59-1803, Revised Statutes Supplement, 2001; to provide for illegal overcharge or undercharge actions as prescribed; to authorize indirect damages in certain antitrust actions; to harmonize provisions; and to repeal the original sections.

Whereupon the President stated: "All provisions of law relative to procedure having been complied with, the question is, 'Shall the bill pass?' "

Voting in the affirmative, 45:

Aguilar	Byars	Janssen	Pedersen, Dw.	Smith
Baker	Connealy	Jensen	Pederson, D.	Stuhr
Beutler	Cudaback	Jones	Price	Suttle
Bourne	Cunningham	Kremer	Quandahl	Synowiecki
Brashear	Dierks	Kristensen	Raikes	Thompson
Bromm	Erdman	Kruse	Redfield	Tyson
Brown	Foley	Landis	Robak	Vrtiska
Bruning	Hartnett	Maxwell	Schimek	Wehrbein
Burling	Hudkins	McDonald	Schrock	Wickersham

Voting in the negative, 0.

Present and not voting, 1:
Engel

Excused and not voting, 3:

Chambers Coordsen Preister

A constitutional majority having voted in the affirmative, the bill was declared passed and the title agreed to.

SELECT COMMITTEE REPORTS
Enrollment and Review

Correctly Reengrossed

The following bill was correctly reengrossed: LB 1033A.

Correctly Engrossed

The following bills were correctly engrossed: LBs 729, 931, 931A, 952, 952A, 957, 1062, 1062A, 1105, 1115, 1290, and 1290A.

Enrollment and Review Change to LB 729

The following changes, required to be reported for publication in the Journal, have been made:
ER9158

1. In the E & R amendments, AM7205, on page 14, line 16, "and 17-1001" has been struck and "17-1001, and 90-303" inserted; and in line 21 "to change specifications of the Nebraska State Capitol Environs District;" has been inserted after the semicolon.

Enrollment and Review Change to LB 957

The following changes, required to be reported for publication in the Journal, have been made:
ER9149

1. In the E & R amendments, AM7219:

a. On page 4, line 14, the comma has been struck; and in line 22 "subsection" has been struck and "subdivision" inserted;

b. On page 5, line 15, the period has been struck and an underscored semicolon inserted; and

c. On page 64, line 8, ", 10-126," has been inserted after "8-1111"; in line 11 "52-1601," has been inserted after "8-1402,"; and in line 20 "52-1601," has been inserted after "45-703,".

2. On page 1, line 6, "10-126," has been inserted after the first comma; in line 12 "exemptions from bond redemption requirements," has been inserted after the first comma; and in line 14 "loans" has been struck and "loan contracts, the master lien list" inserted.

3. Sections have been renumbered and internal references corrected to reflect all adopted amendments.

Enrollment and Review Change to LB 1062

The following changes, required to be reported for publication in the Journal, have been made:
ER9150

1. In the Kristensen amendment, AM3730, on page 2, line 9, "Legislative Bill 972 (2000)" has been struck and "Laws 2000, LB 972" inserted.

2. In the Baker amendment, AM3475:

a. On page 8, line 3, "ERISA" has been struck; and in line 10 the matter beginning with "of" through "Act" has been struck; and

b. On page 9, line 1, "subsection" has been struck, shown as stricken, and "section" inserted.

3. In the E & R amendments, AM7214:

a. Section 62 and all amendments thereto have been struck and the following new section inserted:

"Sec. 68. Sections 1, 3, 4, 10, 12, 13, 18 to 66, and 70 of this act become operative three calendar months after adjournment of this legislative session. Sections 6 to 9 and 71 of this act become operative on July 1, 2002. The other sections of this act become operative on their effective date."; and

b. On page 81, line 25, ", 43-3342.05," has been inserted after "42-358".

4. On page 1, lines 2 through 16 and all amendments thereto have been struck and "44-3,144, 44-3,145, 44-3,146, 44-3,149, 44-2901, 71-1,132.04, 71-1,132.06, 71-1,132.16, 71-1,132.18, 71-1,132.24, 71-1,132.25, 71-1,132.35, 71-1,231, 71-1729, 71-1757, 71-1761, 71-1787, 71-2412, 71-057, 71-6603, and 83-126, Reissue Revised Statutes of Nebraska, sections 23-3502, 42-358, 43-3342.01, 43-3342.03, 43-3342.05, 71-131, 71-139.01, 71-1,103, 71-1,104, 71-1,132.07, 71-1,132.11, 71-1,132.13, 71-1,132.20, 71-1,134, 71-1,136.03, 71-1,139.01, 71-1,158, 71-1,160, 71-1,161, 71-404, 71-428, 71-432, 71-434, 71-436, 71-438, 71-456, 71-1723.02, 71-6053, 71-6054, 71-6056, 71-6060, 71-6061, 71-6065, 71-6066, and 81-1316, Revised Statutes Supplement, 2000, and sections 71-101, 71-183.02, 71-193.16, 71-1,147.53, 71-2421, 71-5310, and 71-7611.04, Revised Statutes Supplement, 2001; to change provisions relating to county medical facility boards of trustees, child support enforcement, the State Disbursement Advisory Commission, and licenses to practice medicine and surgery, dentistry, nursing, optometry, osteopathic medicine and surgery, veterinary medicine, and respiratory care; to provide for optometric assistants and hospital patient visitation privileges; to change provisions relating to drug expiration dates, health care facility licensure, nursing home administration, respite care programs, and facilities under the supervision of the Department of Health and Human Services; to eliminate the Child Support Commission; to harmonize provisions; to provide a duty for the Revisor of Statutes; to provide operative dates; to repeal the original sections; to outright repeal sections 42-383 to 42-386, Revised Statutes Supplement, 2000; and to declare an emergency." inserted.

5. Sections have been renumbered and internal references corrected to reflect all adopted amendments.

Enrollment and Review Change to LB 1062A

The following changes, required to be reported for publication in the Journal, have been made:

ER9159

1. On page 1, the matter beginning with "appropriate" in line 1 through line 3 has been struck and "amend Laws 2001, LB 543, section 95, as amended by section 69, Legislative Bill 1, Ninety-seventh Legislature, First

Special Session, 2001, and section 68, Legislative Bill 1309, Ninety-seventh Legislature, Second Session, 2002; to appropriate funds as prescribed; to provide intent; and to repeal the original section" inserted.

Enrollment and Review Change to LB 1105

The following changes, required to be reported for publication in the Journal, have been made:

ER9160

1. Because of the adoption of the Bromm amendment, AM3533, in the Bromm amendment, AM3382:

a. Sections 178 to 181, 433, and 434 have been struck; and
b. On page 363, line 13 has been struck and "86-112, 86-301 to 86-309, 86-329, 86-331.01 to 86-331.04," inserted.

2. In the Bromm amendment, AM3533:

a. On page 1, line 15, "into" has been inserted after "entering";
b. On page 6, line 13, "cargo or contents" has been inserted after "prevent";
c. On page 12, line 12, "or" has been inserted after the comma; and
d. On page 16, lines 18 and 22, "U.S.C." has been struck and "C.F.R." inserted.

3. In the Bromm amendment, AM3382:

a. On page 7, line 26, "and" has been inserted after "access";
b. On page 65, line 23, the stricken "sections" has been reinstated;
c. On page 170, line 8, "interlocal" has been struck and shown as stricken;
d. On page 207, line 1, "subdivision" has been struck and "subdivisions" inserted;
e. On page 216, line 8, the second comma has been struck;
f. On page 236, line 14, "boards" has been struck, shown as stricken, and "county board" inserted;
g. On page 254, line 14, the second "of" has been struck;
h. On page 363, line 22, "75-109," has been struck; and
i. On page 364, line 5, "and" has been struck; and in line 7 "and section 75-109, Revised Statutes Supplement, 2000, as amended by section 9, Legislative Bill 435, Ninety-seventh Legislature, Second Session, 2002," has been inserted after the last comma.

4. On page 1, the matter beginning with "motor" in line 1 through line 5 and all amendments thereto have been struck and "transportation and telecommunications; to amend sections 2-3917.02, 25-2503, 28-109, 28-515, 28-711, 28-1310, 39-101, 43-158, 60-102, 60-471, 60-501, 60-636, 60-638, 60-639, 60-640, 60-678, 60-6,142, 60-6,144, 60-6,226, 60-6,241, 60-6,304, 60-6,349, 60-6,351, 70-301, 75-101, 75-117, 75-128, 75-133, 75-155, 75-605, 75-607, 75-608, 75-611 to 75-616, 76-2301, 76-2321, 81-1117, 81-1120.17, 81-1120.19, 81-1576, 81-1849, 81-2301 to 81-2303, 81-2305, 81-2306, 81-2308, 81-2309 to 81-2313, 81-2601, 81-2603 to 81-2605, 86-101 to 86-107, 86-109, 86-111, 86-112, 86-301 to 86-309, 86-329, 86-331.01 to 86-331.04, 86-334 to 86-338, 86-401 to 86-412, 86-502, 86-601, 86-701 to 86-712, 86-801, 86-802, 86-805 to 86-807, 86-809, 86-810, 86-1001 to 86-1004, 86-1006 to 86-1009, 86-1101 to

86-1109, 86-1201 to 86-1218, 86-1221, 86-1301 to 86-1305, 86-1307, 86-1401, 86-1402, 86-1404, 86-1406 to 86-1410, 86-1501 to 86-1514, 86-1601 to 86-1606, 86-1803 to 86-1811, 86-1901 to 86-1904, 86-1906, 86-1910, 86-1911, 86-2002 to 86-2007, and 86-2009 to 86-2013, Reissue Revised Statutes of Nebraska, sections 2-1570, 25-2602.01, 49-14,141, 52-1307, 52-1314, 60-311.14, 60-680, 60-1417.01, 75-122.01, 75-126, 75-134, 75-137, 75-156, 75-606, 75-609 to 75-610, 75-617, 81-1120.35 to 81-1120.38, 81-1120.40, 81-1190 to 81-1192, 81-1194, 81-1195, 81-1196.01, 81-1199, 81-11,102, 81-2304, 81-2307, 81-2308.01, 81-2602, 86-803, 86-811, 86-1005, 86-1110, 86-1111, 86-1219, 86-1222, 86-1306, 86-1701, and 86-2101 to 86-2116, Revised Statutes Supplement, 2000, sections 18-419, 28-401, 60-301, 60-4,182, 60-601, 70-625, 70-704, 70-1409, 71-1,142, 75-132.01, 75-604, 79-215, 79-1241.02, 86-804, 86-808, 86-1403, 86-1405, 86-1905, 86-1907 to 86-1909, 86-2001, 86-2008, 86-2014, 86-2201 to 86-2214, and 86-2301 to 86-2307, Revised Statutes Supplement, 2001, sections 9-812 and 79-1328, Revised Statutes Supplement, 2001, as amended by sections 1 and 8, respectively, Legislative Bill 3, Ninety-seventh Legislature, First Special Session, 2001, and section 75-109, Revised Statutes Supplement, 2000, as amended by section 9, Legislative Bill 435, Ninety-seventh Legislature, Second Session, 2002; to reorganize statutory provisions relating to telecommunications and technology; to transfer, combine, and eliminate sections; to eliminate obsolete and expired provisions and penalties; to provide and change powers and duties of the Public Service Commission; to change provisions relating to application for and issuance of plates for handicapped or disabled persons; to authorize the use of electric personal assistive mobility devices as prescribed; to define and redefine terms; to prescribe rights and duties under the Nebraska Rules of the Road; to provide penalties; to change provisions relating to motor vehicle and trailer auction dealers; to harmonize provisions; to provide duties for the Revisor of Statutes; to provide operative dates; to repeal the original sections; and to outright repeal sections 86-108, 86-110, 86-113, 86-201, 86-202, 86-203, 86-208 to 86-211, 86-330, 86-331, 86-503, 86-602, 86-603, and 86-1220, Reissue Revised Statutes of Nebraska." inserted.

5. Sections have been renumbered and internal references corrected to reflect all adopted amendments.

Enrollment and Review Change to LB 1115

The following changes, required to be reported for publication in the Journal, have been made:

ER 9162

1. In the E & R amendments, AM7224, on page 2, line 23, "107,168,199" has been struck and "101,168,199" inserted and "118,296,355" has been struck and "115,280,847" inserted; and in line 27 "125,511,088" has been struck and "119,511,088" inserted and "135,403,829" has been struck and "132,388,321" inserted.

Enrollment and Review Change to LB 1290

The following changes, required to be reported for publication in the Journal, have been made:

ER9161

1. On page 1, line 3, "and regional library systems employees" has been inserted after "officials"; and in line 4 "as prescribed; to change provisions for payment of the cost of coverage" has been inserted after "Program".

(Signed) Philip Erdman, Chairperson

UNANIMOUS CONSENT - Add Cointroducer

Senator Erdman asked unanimous consent to have his name added as cointroducer to LB 952. No objections. So ordered.

SPEAKER SIGNED

While the Legislature was in session and capable of transacting business, the Speaker signed the following: LBs 1089, 488, 488A, 876, 876A, 1211, and 1278.

VISITORS

Visitors to the Chamber were Brenda George from Waco; 40 fourth-grade students and teacher from Washington Elementary School, Norfolk; and 60 fourth-grade students from Hayward Elementary School, Nebraska City.

ADJOURNMENT

At 9:39 p.m., on a motion by Senator Landis, the Legislature adjourned until 10:00 a.m., Thursday, April 18, 2002.

Patrick J. O'Donnell
Clerk of the Legislature

